

RECEIVED

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, COUNTY OF COOK
EASTERN DIVISION

MAR 7 2008
MAR 7 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Willie L. Darden; individually and as guardian of
Shymia, Purety, Naomi, Perrier and Napoleane Darden
(plaintiffs)

V.

| No:
|
| Judge:
08CV1408
JUDGE KOCORAS
MAGISTRATE JUDGE KEYS

Harvey Police Department, Officer Barbee *919
Harvey Police Chief Andrew Joshua, (retired)
Commander Sam White, Commander Steven Porter,
Commander Lemuel Askew *197, Officer J. Bessett *398,
Detective Keys, Officer K. Smith*698, Unidentified Police Clerk,
The Estate of former Chief of Homicide Detective Martin(deceased)
(defendants)

NOTICE OF MOTION

Summons And Complaint

2008 MAR -7

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, COUNTY OF COOK
EASTERN DIVISION

Willie L. Darden; individually and as guardian of
Shymia, Purety, Naomi, Perrier and Napoleane Darden
(plaintiffs)

NO:

}
} Judge:

}
} Magistrate Judge:

V.
Harvey Police Dept. Officer Darden 919
Harvey Police Chief Andrew Joshua;
Commander Sam White; Commander Steven Porter;
Commander Lemuel Askew * 197; Officer J. Bessett* 398;
Detective Keys; Officer K. Smith *648; Unidentified Clerk;
and the estate of former Homicide Detective Martin (deceased)
(defendant)

NOTICE OF MOTION

NOW , comes Plaintiffs namely Willie, Naomi, Shymia, Perrier, Napoleane and Purety Darden; on this 7th day of March 2008; to request leave to file a summons and complaint against named Defendants in this cause herein; Defendants consciously and with malicious intent conspired to violate the **Constitutional as well as Civil Rights** of Plaintiffs and to wit additionally harassed threatened and intimidated Plaintiffs when Plaintiffs complained to higher authority within the **Harvey Police Department**; in violation of Federal Law. Plaintiffs contacted the **Harvey Police Department of Internal Affairs** and also contacted **Chief Joshua, Commander Lemuel Askew, Detective Martin** and **Commander Porter** in regards to the illegal actions of **Commander Samuel White**, yet to no avail. Defendants are both jointly and severally liable for damages. I, shall appear before any Judge in courtroom at **219 South Dearborn Street; Chicago, Illinois** of the **United States District Court of Illinois, Eastern Division**, and then and there present the attached summons and complaint...a copy of which is hereby served upon you.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, COUNTY OF COOK
EASTERN DIVISION

Willie L. Darden; individually and as guardian of
Shymia, Purety, Naomi, Perrier and Napoleane Darden
(plaintiffs)

NO:

} Judge:

} Magistrate Judge:

Harvey Police V. Dept. Chief Andrew Joshua
Harvey Police Chief Andrew Joshua;
Commander Sam White; Commander Steven Porter;
Commander Lemuel Askew * 197; Officer J. Bessett* 398;
Detective Keys; Officer K. Smith *648; Unidentified Clerk;
and the estate of former Homicide Detective Martin (deceased)
(defendant)

MOTION

NOW , comes **Plaintiffs** namely **Willie, Naomi, Shymia, Perrier, Napoleane and Purety Darden**; on this 7th day of March 2008. On or about September 27th, 2006 Commander Samuel White removed 1,300 dollars U.S.C. from the pocket of Plaintiff Perrier Darden. Plaintiff Darden was not charged with any criminal offence nor given any citation. Commander Samuel White has never given the Plaintiffs any receipt nor any valid reason for not returning said funds. Plaintiffs believe that Commander White has unlawfully and illegally converted Plaintiffs property to his own; Plaintiffs further have reason to believe that Commander White's actions are tantamount to thievery in it's purest sense. Defendant White has failed to utilize due process and therefore has consciously chosen to violate the Constitutional Rights of the Plaintiffs in violation of law. Plaintiffs have on many occasions spoken to Commander White, Commander Porter and Chief Andrew Joshua as well as the other Defendants in regards to this very serious matter. Defendants have chosen to ignore Plaintiffs complaints. On or about May 17th, 2007; Plaintiffs were charged a \$500.00 administrative fee, a \$25.00 tow release fee and over \$200.00 for a towing fee #4603 A-07. Commander White claimed that an individual named Torry Dickerson was a passenger in Perrier's vehicle and charged him with possession of cannabis. Plaintiffs submit as fact that Dickerson was not found with anything nor was he a passenger in said vehicle. Plaintiffs paid the fee and signed the release document in protest:

Torry Dickerson attended court and all charges were dropped; However when Plaintiffs inquired about the return of their cost for administrative fees, towing fee,s and tow release fee's they were threatened with arrest , harassed and intimidated by Commander White and the unidentified Clerk of the Harvey Police Department. Commander White also threatened bodily harm to Plaintiffs and instructed them to leave the police station. Plaintiffs felt this was a feeble attempt by Commander White to steal our money again. On July 19th, 2006 Commandeer Samuel White and Commander Keys of the Harvey Police Department unlawfully and illegally entered Plaintiffs residence without due process and out of their jurisdiction and to wit acted to threaten, harass and intimidate the Plaintiffs. It should be noted that Plaintiffs in fear of bodily injury from the Defendants, had moved out of the town of Harvey, Illinois.

On July 19th, 2006 the Plaintiffs were residing peacefully in the city of Chicago Heights, Illinois when members of the Harvey Police Department illegally and without probable cause entered said residence without permission in violation of law. It is quite clear that Commander White nor Commander Keys did not have the authority to enter another jurisdiction without the assistance of the Chicago Heights Police Department . Plaintiffs assert with confidence that neither White nor Keys had any right to violate the rights of Plaintiffs especially when they were aware that Plaintiff had filed prior claims of harassment, intimidation, attempted murder, theft and illegal entry by said Defendants. Plaintiffs were force to file federally on three prior occasions : #02 C 9299, 04 C 3234 and 03 C 7673 due to the illegal actions of the Defendants. Plaintiff Willie Darden on or about July 21st, 2006 spoke to Detective Martin in regards to the problems that Plaintiffs were having with Commander White/ Commander Keys in regards to the unlawful entry and the fact that Commander Porter had not done anything to shed any light on the fact that Commander White had **STOLEN OUR MONEY**. Plaintiff Darden also spoke to Detective Martin in regards Plaintiff Purety Darden, my son who plaintiffs felt was being falsely accused of attempted murder; Detective Martin informed Plaintiff Willie Darden that "he did not believe that Purety had shot anybody" and that he did not order any tests for DNA, blood splatter, nitrates nor paraffin test nor any gun powder residue test even though Purety had been held in custody for nearly five days without charges being filed . Purety Darden's civil rights were violated by the Harvey Police Department when they failed to allow him due process of law as described in our constitution . and Purety's human rights were violated when the HPD failed to provide the basic necessity of water; although Purety requested a drink of water , Officers told him in no uncertain terms to drink out of the toilet. Plaintiffs have spoken to former jailer **RICH SCHALL** of the Posen Police Department and request that he be called as a witness for the Plaintiffs in this cause. Schall is a former Harvey police employee.

Plaintiffs are aware and realize that former Chief Andrew Joshua is currently retired from the Harvey Police Department; We, Plaintiffs also realize that former Chief of Detectives Martin is deceased; However with all due respect; the fact that Joshua is currently retired is Moot due to the fact that “the events which lead to violations of Plaintiffs Civil and Constitutional Rights occurred prior to Martins death and prior to Joshua’s retirement. Plaintiffs believe that Joshua retired in order to avoid this lawsuit!

Plaintiffs reallege ALL enclosed paragraphs and incorporate them in these counts as if fully set herein...ALL Defendants including Officer Barbee *919 and The Harvey Police Department are included as Defendants- individually and severally in Conspiracy amongst each other, wrongfully violated the Rights of Plaintiffs on numerous occasions.

Plaintiffs are able to identify the “**Clerk of the Police Department**”, she is African American , brown complexion, glasses and approximately 5’9” in height. This individual has worked for the Harvey Police Department for a number of years.

Plaintiffs would like to remind ,Commander Lemeul Askew of the Harvey Police Department that on September 27-28, 2006. there was a conversation between Defendant Askew and Plaintiff Darden, at St. James Hospital in Olympia Fields, Illinois. in that conversation, we discussed the fact that Commander Sam White had stolen our money, and that We, plaintiffs had spoken to Commander Steven Porter in regards to filing a complaint against White; but to no avail.

We, the Plaintiff would like to remind Commander Askew that perjury is a Federal Offense and that lying to a Federal Agent is also against the law. We, Plaintiffs are not trying to infer that we were “wired”, however draw your own conclusions.

Defendant, Commander Lemuel Askew as well as Commander Sam White, should also be reminded that on May 27th, 2007 the conversation that we had at the Harvey Police station in regards to Commander White “stealing our \$1,300 and constantly harassing our family unjustly. Commander Askew informed Plaintiff Darden that he did not have anything to do with what Commander White did nor did he have any authority. Plaintiffs are not inferring that he was “wired”, however Defendants are at liberty to draw their own conclusions.

Plaintiffs would also like to remind Chief of Police Andrew Joshua in regards to our conversation at the “Gyro and Philly steak restaurant on Halsted St. in or near Glenwood/Homewood area. In that conversation prior to your retirement, we discussed the events surrounding Commander White involving the THEFT of our money. Joshua, remember you lied when you told Plaintiff Darden that you would ‘personally take care of this matter, However you never did. Plaintiffs are not inferring that he was “wired, however Defendants are at liberty to draw their own conclusions.

We, Plaintiffs firmly believe and have evidence to prove by a preponderance of the evidence that **Commander Sam White et al Defendants** acted in tandem with the **Harvey Police Department to violate the Civil Rights of Plaintiffs** and in effect conspired to harass, intimidate and obstruct justice by covering up said act. Pursuant to 42 U.S.C. § 1983 said defendants are jointly and severally liable for Plaintiffs damages arising out of the wrongful acts of Defendants. Defendants conduct amounts to a gross and deliberate violation of the Public Trust and Rights protected by the United States Constitution for which we believe without a doubt, that Punitive damages are justified.

Wherefore Plaintiffs pray that this court enter judgement in favor of Plaintiffs:

(1) punitive damages in an amount necessary to punish defendants misconduct and deter such future conduct.

(2) Actual damages, plus costs.

Jurisdiction

THIS COURT, has jurisdiction of this matter pursuant to 28 U.S.C. § 1331, 1343 and 1367 in that this is an action arising under the laws and constitution of the United States and under an act of Congress providing for the protection of Civil Rights and all the claims are so related that they form part of the same case or controversy. Venue is proper in this District pursuant to 28 U.S.C. § 1391 (b) because the defendants reside in this District and a substantial part of the events giving rise to the claim occurred in the District.

COUNTS

Plaintiffs reallege all enclosed paragraphs and incorporate them in these counts as if fully set herein... Defendants individually and severally in conspiracy amongst each other, wrongfully invaded Plaintiffs privacy, and wrongfully with malicious intent violated Plaintiffs Civil/ Constitutional Rights by entering residence illegally without justification and without due process of law. Thus depriving plaintiffs of their rights guaranteed under the first, second, fourth, fifth and the fourteenth amendments of our Constitution. Plaintiffs suffered damages as a result of Defendants wrongful actions.

Defendants acted to violate the rights of Plaintiffs by Conversion and or THEFT of Plaintiffs "cash" property; without due process or proper legal procedure. Plaintiffs reallege all paragraphs and incorporate them in these counts as if fully set forth herein under federal and state law. All tenants are entitled to the quiet enjoyment of their premises: Furthermore Plaintiffs lease included an implied covenant of quiet enjoyment. Defendants are in serious breach of that covenant of quiet enjoyment. Pursuant to 42 U.S.C. § 1983 all Defendants are jointly and severally liable for Plaintiffs damages arising out of Defendants wrongful acts. Plaintiffs suffer continually as a result of Defendants negative conduct. Defendants conduct amounts to a gross and deliberate violation of rights protected by the United States Constitution for which punitive damages are justified. Wherefore Plaintiffs pray that this court enter judgment against Defendants on behalf of the Plaintiffs.

Proof of Service

The undersigned non-Attorney, being duly sworn, upon oath, Depose and state: He mailed a copy of notice to parties listed herein, on the 6th day of March, 2008, on or before the hour of 5:00p.m. in Chicago Heights, Illinois. by certified mail.

F.B.I.

2111 West Roosevelt Rd.
Chicago, Illinois
60608

Officer Rich Schall

Posen Police Dept.
2440 W. Walter Zimny Dr.
Posen, Illinois 60469

U. S. Attorney Patrick Fitzgerald

219 S. Dearborn ST suite #500
Chicago, Illinois 60604

F.B.I.

15321 S. 94th Ave.
Orland Park, Illinois 60462

Andrew Joshua

Estate of Detective Martin

Commander Sam White

Harvey Police Dept.

Commander Steven Porter

Officer Barbee

Officer K. Smith

Commander Askew

Detective Keys

Unidentified Clerk

Officer Bessett

15301 Dixie Hwy

Harvey, Illinois 60426

Subscribed and sworn before me this 6 day of March, 2008.



Tanya M. Fariols (notary seal)

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